THE MILITARY COURT IN MEXICO.

Unless it were later intelligence from FRANCE, of which we are in hourly expectation, showing in what manner the new Provisional Government and the People have been able to maintain between them a good understanding, and at the same time to execute the laws, &c., we do not know that any thing is likely to be so interesting at this moment as the subjoined Proceedings of the Military Court assembled in Mexico for the purpose of inquiring into the conduct of the Commanding General and other high Officers of our own Army.

NATIONAL PALACE, MEXICO, MARCH 15, 1848.

The Court of Inquiry ordered by the President of the United States to inquire into certain alleged charges against Major General PILLOW and Brevet Lieutenant Colonel DUNCAN, preferred by Major General Scorr; also, to inquire into certain charges against Major General Scorr, preferred by Brevet Major General Worru, met this morning at 10 o'clock. The members of the Court are as follows:

Brevet Brigadier General NATHAN Towson, Paymaster General, President; Brig. Gen. Calen Cushing and Brevet Col. Wm. G. Belknap, Lieut. Col. 5th Infantry, members; Capt. S. C. Riddelly, 4th Artillery, Judge Advocate.

On the Judge Advocate reading the order requiring the Court to assemble, Gen. Scorr presented himself, accompanied by Col. HITCHCOCK, Inspector General; Capt. H. L. Scott, A. A. G.; Lieut. T. Williams, A. D. C., and other officers of the General's staff.

All preliminary business having been arranged, the Cour announced itself ready to proceed in its deliberations.

Gen. Scorr rose and said that, at the proper time, would ask of the Court what persons were to be before it as accused parties, and what subjects it designed to investigate.

The JUDGE ABVOCATE was desired by the President to read the orders for the assembling of the Court, which having Gen. Scorr addressed the Court, stating that it was his

desire at the commencement of the proceedings that all the in-terested parties should be present in the court, though he did not deem this at all indispensable; he would be perfectly satisfied with any order or rule that might be adopted by th Court in that particular; but, as some remarks he might have to make would particularly refer to Lieut. Col. Duncan, he to make would particularly refer to Lieut. Col. Duncan, he desired that that officer, above all others, should be present. He also wished to be informed by the Court whether any officer, separate from himself, Major Gen. Pillow, and Lieut Col. Duncan, were embraced in the order read by the Judge Advocate as accused parties. Gen. S. did not have the alightest desire to embarrass or retard the proceedings of the Court; he said it would materially enlighten his path in the course he should deem proper to pursue, if he could be informed of the impression of the Court in that particular. The Court wishing time for deliberation, the room was cleared for the space of half an hour, and upon being reopened, the following decision was rendered:

"That the conduct of Maj. Gen. PILLOW and Brevet Lt. Col. DUNCAN will, under the order, be investigated, as far as their conduct is involved in the charges preferred against them by Major Gen. Scorr; and also the Court will examine into the merits of the complaint of Brevet Major Gen. Wonra against Major Gen. Scorr; and no other parties are before the Court under any order known to the Court."

The Court also informed Major Gen. Scott that all the parties to which the order referred would be present in court he next morning, at the regular hour of meeting.

Gen. Scorr then rose and said: That the Court might well

conceive how much, how deeply, he had been wounded by the information just communicated. Far distant from his country, his home, and his family, he found himself but a prisoner at large in the capital of the Mexican republic; struck down by the supreme military power from a high command— a command of some considerable elevation, of some considernble glory—the highest, perhaps, in view of the numbers, the valor, and prowess of the army, held by an American soldier since the days of Washington. Nor was this all. He found himself placed as the chief criminal before the Court, and was informed that one of the parties against whom a specific charge was preferred by him had been acquitted and rewarded, before-trial, by the highest constitutional military nathority of our country. The accused had now become the accuser, the judge the criminal. Deeply wounded as I am continued the General, I pause, but not for ideas—they crowd upon me; not for want of feeling-my feelings are too deep for utterance; but I wish, Mr. President, to keep in orderif these remarks are not so, I bow in deference to the decision

The Parsinery, in reply, stated that the remarks wer infringing upon the rules of order, and Gen. Scorr immedi-

ately resumed his seat. Whereupon the Parsiners declared the Court adjourned

until the following morning. SECOND DAY-MARCH 16, 1848.

to the gentlemen present on the day previous, were Major Generals Pillow and Worth, and Brevet Lieut. Col. Duncan. Quite a host of colonels, captains, and others, from the new

Quite a host of colonels, captains, and others, from the new and old line of the army, were in the room.

The Court being duly organized, and the members duly sworn to perform their duties impartially, &c.—

Gen. Scorr rose and said that he was present for the purpose of hearing any thing that could be said against him regarding the appeal which, if he understood correctly, had been placed upon the record of the Court. The General then pro-

duced a paper, which he said, with the consent of the Co he intended to read, relating to matters connected with the arrest of Lieut. Col. Duncan. He remarked that he did not arrest of Lieut. Col. Duncan. He remarked that he do not consider it a bar in any of the proceedings regarding any and all charges brought against him. He stood there ready to meet any accusation—he felt himself strong, morally and Gen. Pillow.

Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read the charges of Gen. Scott also proceeded to read a written argument in Gen. Scott also proceeded to read the charges of Gen. physically so.

The President of the Court interposed, and said that no

action would be taken on any letter not then formally before the Court. Gen. Scott said that, if the Court did not permit him

Gen. Scott said that, if the Court did not permit him to state his opinions in regard to letters which he knew to be the source upon which the charges were brought against him, then he no longer stood there a suppliant for justice. He took his nger stood there a suppliant for justice. He took his

stand in an attitude of defiance.

The President said that Gen. Scott's remarks were premature, and requested the Judge Advocate to read the following

HEADQUARTERS OF THE FIRST DIVISION,

Tacubaya, (Mexico,) March 14, 1848.

To Gen. N. Towson, Pres. Court of Inquiry:
Sin: In the matter of my appeal from Major Gen. Scott,
Commander-in-shief of the Army, the President has done me
full and ample justice. In view of the interest and harmony
of the service, I desire to withdraw the accusations which I
made in that appeal against Major Gen. Scott.

I have the honor to be, very respectfully, your obedient
servant,
W. J. WORTH, Brevet Maj. Gen.

After the reading of the letter, the Court sat with closed

doors for some time, and upon their being re-opened, the Judge Advocate announced that all motions, questions, points, &c. intended to be introduced before the Court, should be

He said this was to him a new proceeding. Was he to be stopped at every corner, to be in a messure opposed in his efforts to acquit himself. Yet still he would use every effort to carry out the objects for which the Court was formed. He therefore would cheerfully submit to the decision of the Court,

and say no more on the subject.

The Court here remarked that the proceedings in the case of General Scott would be stayed for the present, if no objections were made, and proposed to proceed to the case of Gen. Pillow.

Scott said that he would require a short time of the Court to reduce to writing the few remarks made by him be-fore leaving the Court. He desired those remarks to be placed upon the record, with a few more remarks he was about to utter when stopped by the Court. It would save the neto utter when stopped by the Court. It would save the ne-cessity of other proceedings which he did not desire. He would ask of the Court not to take up the case of Major Gen. Pillow until it had disposed of that of Licut Col. Duncan. He said he had prepared what he had to say in that case in writing, knowing how difficult it was for the most intelligent reporter (and he understood there were several present) to catch every point submitted.

The Court made some remark, to which Gen. Scott re-plied that his object was, in preparing the case, to save time

plied that his object was, in preparing the case, to save thus

An objection was raised by Lt. Col. Duncan, who said that the Court was now organized to inquire into the case of Gen. Scott alone, and could not go into that of his (Colonel Duncan's) case. The Court for the court The Court for that purpose should be spe

organized.

en Scott proposed reading a paper relative to the charges
not Col. Duncan, but the Court interfered, and did not

Gen. Pillow here rose, and requested that a hearing should be given in his case. He came there prepared for it, and repectfully requested of the Court an opportunity of vindicating timeelf. He entered the service under a law that would remire him to go promptly out, and he was most anxious on account of the probabilities of peace. If his case was postponed to might extend beyond the time that he would be retained in he army. Gen. P. concluded by begging the Court not to receed in the case of Col. Duncan first.

The Court remarked that the case of Gen. Scott should first be settled; but on further discussion it was decided that it should be laid aside until next day, in order to give Gen. Scott an opportunity of placing on the record the paper before allud-

The Court then concluded to proceed with the case of Col. Duncan; Gen. Pillow being assured that if Col. D.'s case was likely to take up much time of the Court, it should also be laid aside, and his case taken up.

THE CASE OF LIEUT, COL. DUNCAN. Gen. Scott rose, and, with a short preface, read the followcase of Col. Duncan :

Mr. President, and Gentlemen of the Court : I desire, under permission, to make the following statement presence and hearing of Brevet Lieutenant Colonel Duncan, hich may save the time of this Court, as well as that of the

which may save the time of this Court, as well as that of the parties before it.

I have laid two charges, with a specification under each, against the Lieutenant Colonel. The first alleges a breach on his part of an old general regulation of the army, republished and re-established by the President of the United States January 28, 1847, against the publication in newspapers, &c. of unauthorized letters or reports from an army in the field, pending the campaign they relate to, and which regulation the President directs all in military authority strictly to enforce.

As a principal conservator at the time of the peace, the harmony, and dissipline of the army, I thought it my duty to arrest Brevet Lieut. Col. Duncan for a publication of that character, and laid the specific charge in question, which I duly submitted to the President of the United States, in order that he might appoint (as no other could) a general court martial for its trial. The President having thought proper, on an admitted, certain, and specific fact, to order an inquiry into, and not a trial of the matter, it is clearly not for me to uphold this regulation against the evident indifference on the subject. I therefore withdraw that charge and its specification, and utterly decline, without further orders from the Presideat, to prosecute it before this or any other tribunal.

The second charge and specification, which I thought it my duty, but most reluctantly, to prefer against the same gallant officer, relates to matters of fact therein set forth, quoted from

duty, but most reluctantly, to prefer against the same gallan officer, relates to matters of fact therein set forth, quoted from the same letter, republished here under his own signature Hoping and believing that the statements made in that republished letter, however injurious to the truth of history, and to the same extent to myself, were made from the want of correct information, and from the intention, and form the intention and form the same extent to myself, were made from the want of correct information, and from the intention to misrepresent facts. she same extent to myself, were made from the want of correct information, and from no intention to misrepresent facts, I courteously sent a staff officer to invite Lieut. Col. Duncan to visit me, before I penned that second charge and its specification, intending to point out to him the errors of fact committed—to refer to the evidence, written and oral, to confut those errors; and I pledged myself, through the same messenger, that, if the personal inserview should not result in benefit to the Lieutenant Colonel, it should not by possibility, if I could prevent it, work an injury to him before any court. My request was courteously declined.

I desire now to give to Lieut. Col. Duncan another opportunity of saying whether he was not ignorant, at the time of

I desire now to give to Lieut. Col. Duncan another opportunity of saying whether he was not ignorant, at the time of writing the letter, of the facts—1st. That, long before leaving Puebla for this basin, in August last, it had been my bias and expectation that the American army would be obliged to approach the Mexican capital to the left, or south about of the Lakes Chalco and Xochimileo; 2d. That, after general head-quarters had reached Ayotla, August 11th, I had showed an equal solicitude to get additional information of that route and those of the Penon and Mexicalcingo; 3d. That besides sending from Ayotla, August 12th, oral instructions to Brevet Major General Worth to push further inquiry into Chalco, as to the character of the southernmost route, (around the two lakes,) I sent, August 13th, to that General, written instructions to the same effect, from the same place—my quarters at inxes, I see, August 15th, to that General, written instruc-tions to the same effect, from the same place—my quarters at Ayotla; 4th. That during my stay there, from the 11th to the 15th of August, I sent a Mexican of intelligence from Ayotla, independent of Brevet Major General Worth's, all around to the villa e of Xochimileo, to report to me whether any recent change had taken place in that route, either in the way of artichange had taken place in that route, either in the way of artificial defences or from overflowing of the lakes; and, 5th, That in the evening of the 13th of the same month, I caused Capt. Mason, of the Engineers, to be instructed to proceed the next morning to the headquarters of Brevet Major General Worth at Chalco, in order to his being employed in reconnoiting the same southern route, in which service the Captain found himself anticipated by the reconnoiting party under Lieut. Col. Duncan, who had already, several hours before, advanced by orders of the said General, acting under my repeated instructions, on that service.

peated instructions, on that service.

I am aware, Mr. President, that I have no right to call upon Licut Col. Duncan before this Court to give either a general or specific answer to those points. He is therefore entire ral or specific answer to those points. He is therefore entirely at liberty to take no notice of them, and certainly his silence ought not, and cannot in law, operate to his prejudice, here or elsewhere; but if he answers the interpellation in the affirmative, saying that he was ignorant of the material facts asserted above, I stand ready to withdraw and abandon, upon his word, the second charge and its specification which I have preferred against him.

Respectfully submitted.

WINFIELD SCOTT.

WINFIELD SCOTT. MEXICO, MARCH 16, 1848.

Lieut. Col. Duncan then wrote and submitted the following m reply : "In writing the letter to which Major General Scott refer "In writing the letter to which Major General Scott refer in his paper just presented to the Court, viz. the 'Tampie letter,' I believed the facts therein set forth to be substantiall true; I still believe so. I had no desire to detract directly of indirectly from the merits of any officer, and no one can regre more than myself if I have done so."

Gen. Scott here reiterated that he had no right to interre gate Lieut. Col. D., and that his (Lieut. Col. D. e) silence could not be considered as prejudicing him. The answer given did not meet the inquiry he had made. The question was, was Lieut. Col. D. ignorant of the facts, &c. On his answer

Lieut. Col. Duncan then made an addition to his former answer, and presented the whole in the words following, as

"In writing the letter to which Major General Scott refers in his paper just presented to the Court, viz. 'Tampico letter,'
I believed the facts therein set forth to be substantially true;
I still believe so. I have no desire to detract, directly or indirectly, from the merit of any officer, and no one can regret more than myself if I have done so. I have no evidence that the statements presented in the paper of Major General Scott are facts; if they are so, I certainly was ignorant of them when I wrote the Tampico letter, and learn them now for the first time. Respectfully submitted.

JAMES DUNCAN, Byt. Lt. Col.
"Mexico. March 16, 1848."

" Mexico, March 16, 1848." The case of Col. Duncan was then, by order of the

laid aside for the present. THE CASE OF MAJOR GENERAL PILLOW.

this case, which he prefaced by observing that he was there, as he said before, the accused instead of the accuser, stricken down from a high command, and far removed from home and

In the statement laid before the court by Gen. Scott, was set forth the repeated efforts and overtures made by the latter to effect an amicable arrangement of what he considered to be a breach of discipline committed by an officer of the army. But it would appear from the same statement that Gen. Pillow refrained from having any such arrangement or explanation as was proposed by Gen. Scott. Gen. Scott, in conclusion, proposed, however, to withdraw all the charges made against Gen. Pillow by him, unless, as in the other case, peremptorily ordered by the court, or by the President of the United States, to prosecute them further.

Gen. Pillow rose and informed the court that he protested against any such course as that proposed. He would place

against any such course as that proposed. He would place himself on the justice of the case, and he demanded an inquiry. He was ready to vindicate his conduct, and he would and did desire an investigation into it at the hands of the

Gen. Worth said, that, as his name had been introduced Gen. Worth said, that, as his name had been introduced, and as he felt some concern in the termination of the proceedings of the court, he begged permission to file a very brief statement in reference to the subject matter then before them. The President rose and made a remark, which we did not exactly hear, when Gen. Scott rose and said that he had yet to learn by what right or rule the gentleman who last addressed the court was permitted there to introduce himself to the attention of the court, or whether the subject he brought before the court belowed average to the business of the court fore the court belonged properly to the business of the court.

The President informed Gen. Scott that he was not in order, and added that when the gentleman (Gen. Worth) spoke to the Court, the Court was not aware what he was about to

Gen. Scott. Neither did the Court know what I was about to communicate just now, when the Court thought proper to arrest me in my remarks.

The President, Major Gen. Scott is informed that this Co

has its rights, and will not be in any way restricted. The Court further informs Major Gen. Scott that he has his rights, and he shall be fully sustained in them.

Gen. Scott. Major Gen. Scott has been endowed with rights by the God of nature, and the same Power has given him the power to maintain those rights, and he asks no other.

Some remarks having been made on the subject of correspondence relating to Gen. Scott and Gen. Pillow, the President ordered an adjournment of the Court until 10 o'clock

THIRD DAY-MARCH 17, 1848.

The Court met at the usual hour, 10 o'clock; but owing to the absence of Gen. Scott, the business of the day did not commence until 11 o'clock, the hour when the General entered the Court.

Gen. Scott commenced by apologizing to the Court for the delay he had occasioned the proceedings, but he had been informed that the Court would not sit on that day, in consequence of a report having been spread that the day would be set apart to do honor to the funeral obsequies of the late ex-President Jons Q. Anams. The General requested a delay of a few minutes, in order to make some alterations in one of the documents submitted by him to the Court, in reference to the case of Lieut. Col. Duncan.

Gen. Scott, after a short time, submitted the document to

the case of Lieut. Col. Duncan.

Gen. Scott, after a short time, submitted the document to the Court, which contained his language of yesterday accepting the reply of Lieut. Col. Duncan, which is as follows:

Whereupon Major Gen. Scott, after stating that ample evidence, written and oral, was at hand to substantiate his averments in respect to the route around Lakes Xochomileo and Chalco, said that he accepted the statement of Licut. Col. Duncae, and accordingly withdrew the second charge and its specifications against that officer, and should abandon its prosecution here and elsewhere."

This paper was accordingly received and entered on the re-

ord as a portion of the proceedings of yesterday.

Maj. Gen. Scott presented two letters which were a part of
the correspondence with Gen. Pillow, submitted yesterday,
and desired that they should be placed on the record as such.

The President said that he would prefer disposing of the

The President said that he would prefer disposing of the case of Col. Duncan first.

Gen. Scott said he would be perfectly satisfied with whatever course the Court would pursue. Owing to the misunderstanding he labored under, relative to the Court not being open to-day, he neglected the promise made by him yesterday, of presenting a certain document, &c. There were persons and the promise that the promise in the court is the court of the court yed at that moment copying it, and it would be

After some deliberation the Court decided to take up are of Lieut. Col. Duncan, and the room was cleared.

On the Court being re-opened, the following decision was read in the case of Lieut. Col. Duncan.

That all further proceedings in this case be stayed until report can be made to and instructions received from the Sec-

tary of War in the premises."

CASE OF GENERAL SCOTT. The President informed Gen. Scott that his case was then before the Court. Upon which Gen. Scott submitted the fol-

hefore the Court. Upon which Gen. Scott submitted the following:

"In reference to the construction put by the Court on the orders of the President of the United States under which it is assembled, that only the conduct of Major Gen. Scott, Major Gen Pillow, and Lieut Col. Duncan, as set forth in the written accusations against them, respectively, is to be inquired into, and not that of Brevet Major Gen. Worth, against whom there was also a written charge laid before the President of the United States; and in reference, also, to the letter of Brevet Major Gen. Worth to the Court, withdrawing his appeal or accusation against the said Scott, but leaving its venom, mainly on the ground that the President had done the said Worth 'full and ample justice,' the said Scott several times essayed to address the Court, but was as often stopped and requested to reduce his remarks to writing. With that decision or request of the Court he now succinctly complies, as follows:

"Mr. President and Gentlemen of the Court: Here, in the Capital of Mexico, conquered by the American arms, under my command, I find myself but a prisoner at large—the chief criminal before this Court. Deeply wounded, my military pride is cast down is to the dust—not by the public enemy, but by the strong arm of power from home. All that could be done in that quarter to injure, to degrade, and humble me, here and elsewhere, has been accomplished. But, sustained by the Almighty arm—feeling myself strong in conscious rectitude, strong in mind and body—strong in all the means of self-defence, I bid defiance to my accusers. I shall not plead the letter withdrawing the appeal against me in bar of trial. Nay, I challenge the writer of that letter to come forward and do his worst. But no doubt he thinks—and with reason—that he has done his worst. Here, in view of the enemy, he has caused me to be struck down from the high and honorable command of a most gallant and triumphant army. He has caused me first to be prejudged and punished at home, and then to be aused me to be struck down from the high and honorable command of a most gallant and triumphant army. He has caused
me first to be prejudged and punished at home, and then to be
brought forward to be tried again, while he, my junior, has
been pre-acquitted and rewarded. The President has, we are
causingly told, done him 'full and ample justice.' Yes, sir,
a double measure—justice to his pride, and justice to his veneance. Let him, Mr. President, go forth rejoicing in the
denitude of Executive favor. Without envying him his
onors, I shall, at the end of this Court, have done with him
brever. Again, Mr. President, I repeat my attitude is that
f defiance.

WINFIELD SCOTT.

" .Mexico, March 17, 1848." On the reading of the above document, Gen. Worth rose and asked if he night be permitted to ask a question of the

ourt?
Gen. Scott here interrupted, and said that he understood that Gen. Scott here interrupted, and said that he understood that gentleman (Gen. Worth) to be here only as a prosecutor, and as such he had no right to speak.

President. These interruptions cannot be indulged in.
Gen. Scott. Don't apply that remark to me, sir.

At this point the proceedings were, it appeared, about to take rather a violent turn, when the President again rose and

said that these irregularities should be stopped, and ordered the room to be cleared, in order that the Court might deliberate upon the document then before them.

On the opening of the Court it was announced that pro ceedings in the case would be stayed provided no objections were made by the parties. It was also announced that the Court adjourned the case of Gen. Scott for the present, in order to give the members time to consider the paper pre-sented by him more fully. In the mean time the case of Gen. Pillow was ordered to commence.

CASE OF GENERAL PILLOW. Gen. Scott rose and said that he held in his hand an original letter from Gen. Pillow, addressed to the chief officer of his (Gen. Scott's) staff. He had intended to have presented it (and an answer be had also) yesterday, but did not doso through some inadvertency on his part. He then read the following:

CITE OF MEXICO, NOVEMBER 18, 1847.

Sin: Understanding that the General-in-chief has it in contemplation, at an early day, to order portions of the army to distant posts in the interior, and supposing that the re-organization of the "regulars" has been ordered with that view, it zation of the "regulars" has been ordered with that view, it becomes my duty—as my witnesses in the charges preferred against me by the General-in-chief are mostly embraced in the newly organized brigades—to inquire if it is possible any column will march before the arrival of the expected order of the Government in regard to my trial. If so, I desire to be informed what section the General will take in regard to the witnesses, having in view the interests of the service and my own right to a speedy and impartial trial; neither of which can be had if my witnesses are ordered to distant parts of the country. Very respectfully.

Very respectfully, GID. J. PILLOW, Gen. U. S. A. Upon the reading of the letter Gen. Scott remarked that he

wrote on the back of it, and directed the Adjutant General (Capt. Scott) to forward to Gen. Pillow the following reply:

(Capt. Scott) to forward to Gen. Pillow the following reply:

Headquarters of the Army of Mexico,

Mexico, December 20, 1847.

Sir: I have laid your note, dated November 18th, 1847, instead (by mistake) the 18th instant, before the General-inchied, who intrusts me to reply as follows:

He is well aware that the good of the service and the convenience of the parties require that there should be no masoidable delay either in the commencement or completion of your trial. Hence, by the first opportunity, he asked the President, as the law obliged him, as the prosecutor, to do in the case, that a general court martial might be ordered, and, without presuming to name the place of meeting, took it for granted it would be near the great body of officers who would be needed as members of the court and witnesses. Hence, also, he, the General-in-chief, in the letter he caused to be addressed to you on the 30th ultimo, proposed to you to take, by consent, the depositions of certain witnesses then here, but about to return to the United States, in order to save some two months in sending home, after the meeting of the court, a commission to take the depositions of the same witnesses. This proposition you declined, and seemed in the snawer, dated the 1st in lant, to entertain the hope or expectation that the court for your trial would be ordered to meet somewhere in the United States, which might, by taking away a great number of officers, as members and witnesses. From this arm, you all

for your trial would be ordered to meet somewhere in the United States, which might, by taking away a great number of officers, as members and witnesses, from this army, stop all military operations for a time against the public enemy. Whether you possess the influence so to embarrass the public service is best known to yourself.

In conclusion, I am instructed to say that, should a court be ordered for your trial in this country, officers who may be on detached service in the same may be brought to the place of trial in a third of the time that will be needed to send home a commission for taking the depositions of the witnesses before alluded to.

Very respectfully, &c.

H. L. SCOTT, A. A. A. G.

Major General Pillow.

The Court intimated to Gen. Pillow that it was ready to re-

military court even at home, or to testify i-efore a commission duly appointed by such court:

Considering that the season is near at ham, when the court and the parties will not be able to leave this country for home without great perils to life:

Considering that there is a near prospect of a peace between the United States and Mexico, which may be consum-

Considering that, immediately on such consummation, Major General Pillow would, by the express terms of the law under which he holds his commission, be out of the army, and therefore no longer amenable for his acts to any military tribunal:

Considering that, in preferring the charges against that officer, I was moved solely by the desire to preserve the discipline and honor of the army—not having ever had the alightest personal quarrel or difficulty with him—and that the time has probably gone by for benefiting the service by a conviction and punishment: In view of all these considerations I shall, Mr. President

he view of all these considerations against decline prosecuting the charges and specifications against Major General Pillow before this preliminary court, without its special orders, or the further instructions of the President of the United States. Respectfully submitted.

WINFIELD SCOTT.

MEXICO. MARCH 16, 1848. Gen. Pillow having withdrawn his opposition to the above ocument being recorded, read the following preamble:

Mr. President and Gentlemen of the Court:

In reply to the paper submitted by the prosecutor in this case, in which he, for the reasons therein stated, declines to prosecute the charges against me, I beg leave respectfully to say, that I see, in the reasons assigned, none to justify his de-

prosecute the charges against me, I beg leave respectfully to say, that I see, in the reasons assigned, none to justify his determination.

First, it is said by Gen. Scott that "he is stricken down from high command, and that one of the arrested generals is pre-acquitted and rewarded, and the other parties, the judge and his prisoners, the accuser and the accused, the innocent and the guillu, are, with that strange exception, all thrown before you, to scramble for justice as we may."

How the release of Gen. Worth, by the Government, should be thought to constitute any reason for abandoning the prosecution against myself, I am at a loss to understand.

I was aware, from my condemnation before trial in General Orders "No. 349," that the prosecutor acted as a judge, and condemned unheard the victims of his displeasure, but I did not expect that he would avow before this Court that he considered himself sti I my judge. I thought this Court were the judges of the case, and that he was the prosecutor; and cannot understand how the fact that the Government has ordered the charges preferred against him by Gen. Worth to be investigated can afford any reason why he should not proaccute his charges against me, if I am guilty.

It is true that Major Gen. Scott has been suspended from command; but I presume that circumstance does not deprive him of his proof. I, too, was stricken down by the arm of power, wielded by himself; arrested, and held a prisoner, confined to the limits of this city nearly three months, and am not now restored to command. If a command be necessary to enable me to defend myself. Agreeably, however, to well-established military usage, while under the charges of Gen. Worth, he was properly suspended from command, and in this respect we stand upon equal footing.

The assertion "that the whole labor of the case must be gone over again" is made under the assumbtion that he can maintain the charges and prove that they are true. But in

gone over again" is made under the useumbtion that he can maintain the charges and prove that they are true. But in this I expect to show that he is mistaken. This assertion, based in error, can therefore afford no reason for abandoning

the prosecution.

If any witnesses have gone to the United States, they went cither by his orders or by his permission, and without my having the power to detain them.

The two witnesses (not in the line or staff of the army)

whose depositions were proposed to be taken are still within reach—both in this city. Gen. Pierce, the general officer who, I suppose, is alluded to in the letter, is a material witness for myself. The very fact that he was known to the prosecutor to be a material witness, constituted a reason why he should not have permitted him to leave the country.

The General-in-chi'f knew that the effect of ordering my its control of the country of

witnesses out of or allowing them to leave the country would be to deprive me of their testimony altogether, or greatly to delay the proceedings in the case. No rule of law is better established in all courts than that a

No rule of law is better established in all courts than that a party who voluntarily puts witnesses out of the way, or consents to their going, is not entitled to one moment's consideration or delay on that account. The other party, who is thus deprived of proof accessary for his defence, has a right to complain and ask for indulgence; but, in this case, I am the party injured by the prosecutor (who controlled the witnesses) permitting them to leave the country pending his application for a court martial for my trial.

The prosecutor had no right to ask me to take proof before any court was ordered for the investigation of his charges. The

The prosecutor had no right to ask me to take proof before any court was ordered for the investigation of his charges. The thing in itself is unheard of, either in civil or military courts. In declining what he has no right to ask, I deprive him of no right, no privilege, no proof, and he cannot in that find any excuse for failing to prosecute his charges, if, in fact, I am not known by him to be innocent of the charge preferred.

The great delay of one hundred and ninety days has been excessively oppressive upon myself. The public prints show that the application for the court martial reached the city of Wa hington about the 26th of December, 1847. The order for this Court was issued on the 15th of January, 1848, and a supplementary order on the 17th of the same month, making about twenty instead of fifty days' delay at Washington. As this delay, however, has not affected the prosecutor, I do not see in it any reason for now abandoning what he once regarded as a duty.

as a duty.

The assumed objection to the adjournment of the Court to The assumed objection to the adjournment of the Court to the United States has no force. The case would be more promptly decided by this very course, and this too with the least detriment to the public service. Gen. Scott pays a poor compliment to the honor and integrity of his own witnesses when he assumes that they will decline to appear before the Court to testify to facts deeply affecting the purity of the service.

The sickly season, so justly dreaded, will not set in until after the business of the Court in this city may be readily concluded. The consideration that a speedy peace may remove

The sickly season, so justly dreaded, will not set in until after the business of the Court in this city may be readily concluded. The consideration that a speedy peace may remove the army at once from this country, has nothing to do with the issues; it is impossible that peace can be concluded before the proceedings of the Court.

The fact that my commission expires with the war is an additional reason for prosecuting the charges, inasmuch as, if guilty, the interest of the service requires that I should be punished, and if innocent that I should have the benefit of an acquittal. The consideration that the time has gone by for benefiting the service by a conviction and punishment, has no force—it is never too late to do good. The General-in-chief has been pleased to say that "he has been moved solely by the desire to preserve the discipline and honor of the army—not ever having had the slightest personal or other difficulty with him," (myself.)

I refrain from making any comment on this passage of his paper, in the full confidence that during the progress of this investigation the fact will be made manifest, whether personal or public considerations have most influenced the General-in-chief in this prosecution.

Some of the charges preferred against me by Gen. Scott are of the gravest character, affecting, if true, my own honor, and if false, his. His reasons for abandoning the prosecution have no force, singly or collectively. He objects that a court of inquiry has been substituted for a court martial. From the character of the parties concerned, as well as the nature of the offences charged, the surest punishment will be founded on facts, and to ascertain those facts a court of inquiry is so competent as a court martial. The prosecutor further says he will not prosecute this case unless this Court of the President of the United States shall order him to do so.

What right has he to expect either will make such an order? Did either of these order him to arrest me and prefer these charges? He (the prosecutor)

detached service in the same may be bought to the place of trial in third of the time that will be needed fo send home a commission for taking the depositions of the wiftness before alluded to.

Yery respectfully, &c. H. L. SCOTT, A. A. A. G. Myore General major.

Yery respectfully, &c. H. L. SCOTT, A. A. A. G. Myore General major in the second major of the second major of the season for exity the depositions of the wiftness before the season correspondence which he might think proper to present. Gen. Pillow and that he wished to know if Gen. Scott persisted in his determination of hearth. Gen. Pillow and that he wished to know if Gen. Scott persisted in his determination of hearth. Gen. Gen. Pillow and that he would shide by that document. Gen. Pillow and the he would shide by that document. The Court would present the season for district the season for district the season for district the season for the season for district the season for district the season for the season for district the season for season for the season for district the season for district the season for season for the season for season for the season for season for the season fo

FOURTH DAY ______ ARCH 20, 1848.

The Court met this morning at 10 o'clock, agreeably to adjournment. The crowd of officers present fully evinced the deep feeling caused by circumstances, the investigation of which had caused the organization of that Court.

The proceedings of the last day having been read by the Judge Advocate—

Gen. Pillow said he would beg permission of the Court to

Gen. Fillow said he would beg permusion of the Court to present a paper bearing upon his case.

Gen. Scott here rose and remarked that rumors had come to his knowledge, which had been f eely circulated through the city, that the Court had it in contemplation finally to adjourn to the United States, and refer all papers and documents now before it to the Government. If such decision (said Gen. Scott) has been taken, or is likely to be taken, I desire to submit a paper containing a definite proposition to the Court, and I request that that document shall be read previous to any other.

on the subject.

The Judge Advocate said he was requested by Gen. Worth

to read a document presented by him, (Gen. W.) and submitted it to the Court. Gen. Scott said be objected to any paper or document presented by Gen. Worth, as he (Gen. W.) was not connected in any way with the subject before the Court. He regarded him in no other light than he did any bystander.

The President said that no paper or document would be read by the Court which it (the Court) did not think in order. If

t did read any such document, it was then optional with Gen.

Scott to object.

Gen. Scott said he had been in, and understood how pro-Court, Scott said he mad been in, and undersood now pro-ceedings were conducted in higher Courts, (the Supreme Court,) and it appeared to him that the Court which he was then before, had no precedent in the mode in which it was about to proceed. It was assuming a position somewhat dif-ferent from that which he had seen assumed by other Courts. Was the Court, he would ask the question, to prejudge the

The President said the Court could not admit of interrup

The President said the Court could not admit of interruption, and announced that the Court was closed, in order to deliberate as to whether the letter submitted by Gen. Worth should be read.

On the doors being opened, the Judge Advocate read the decision of the Court, to the effect that all papers connected with the investigation before the Court would be received, but that presented by Gen. Worth could not.

Gen. Scott requested to know if there was any subject before the Court other than his (Gen. Scott's) immediate case, as he held in his hand a paper, which he intended to read; at the same time he begged to assure the Court, if any thing had fallen from him which it might construe into disrespect of that body, that nothing of the kind was his intention. Here

Gen. Scatt commenced reading a paper, when he was inter-rupted by the

President, who said the Court was about to consider upon a subject then before it.

The Judge Advocate was then requested to read the previ-The Judge Advocate was then requested to read the previous conclusion the Court had come to regarding the withdrawal of the charges against Gen. Scott by Gen. Worth, which withdrawal was left optional with the Court.

The President then announced that the Court would sit with closed doors, to consider on the above subject, and come to a final decision thereon.

On the doors being opened, the Judge Advocate read the the final decision of the Court which we had beginned the court which we will be compared the court which we will be compared the court which we will be compared to the court will be compared to the court will be compared to the court which we will be compared to the court will be compared to the court

the final decision of the Court, which was that no further proceedings be taken on the subject.

A short discussion here arose regarding the reading of a document presented by General Pillow, which he (Gen. P.) requested to read.

quested to read.

Gen. Scott at the same time held in his hand another document, which he also requested should be read first, giving as his reasons that, on being read, it might have a tendency to some-what alter the tone of the other (Gen. Pillow's) document. The matter was concluded by the document presented by Gen. Pillow being read, as follows:

Arr. President and Gentlemen of the Court.

It will be seen in the paper presented to the Court by Gen. Scott, on the 16th inst., that he refuses to prosecute the charges preferred by him against me, but does not withdraw them.

In the reply to that paper which I submitted upon the 17th inst. I endeavored to show that the reasons assigned by him were not those which determined his course, and I expressed my readiness and anxiety to proceed with the investigation.

Gen. Scott still persists in his determination. In his paper, however, he recognises the right of this Court to order him to prosecute the case. prosecute the case.

In order, therefore, that I may not be understood as assent

In order, therefore, that I may not be understood as assenting to his course, nor as waiving even that mode of having his charges against me investigated. I now distinctly interpose my objections to his withdrawal from the prosecution, and I respectfully ask the Court to order him to prosecute the case. In making this application I hope I shall not be thought captious, or considered troublesome.

I am aware that, under the circumstances of this case, as now presented to the Court, every presumption of law, and every inference of fact, from Gen. Scott's own conduct, is in my favor, and I should submit the case to the Court, and the impartial judgment of a just public, without my present application, but for the great weight of character possessed by General Scott, and for his having substantially reiterated his charges in his communication to the Court.

If the Court shall decline to make the order upon General Scott requiring him to prosecute the case, I beg to call the attention of the Court to the position in which the case will then stand. The charges having been preferred by General Scott, were entertained, and their investigation ordered by the President.

This Court having convened for their investigation, General

the President.

This Court having convened for their investigation, General Scott seeks to defeat the investigation by withdrawing from the prosecution. The charges are, however, still before the Court, and undisposed of.

the prosecution. The charges are, however, still before the Court, and undisposed of.

A prosecutor is not necessary to authorize the Court to proceed. The authority of the Court is derived from the order of the Government, not from Gen. Scott, and its duty, under that order of the Government, requires it to proceed with the investigation without regard to Gen. Scott's course. Neither civil nor military courts will permit the purposes of justice and the rights of parties to be defeated or endangered by the course of a prosecutor. The prosecutor having once come before the Court, is bound by its order, and will not be allowed to control the action of the Court, or to relieve himself from difficulty by withdrawing from the prosecution of a case which he cannot sustain, where he has been the means of doing injury by instituting proceedings.

To allow an officer to prefer charges seriously affecting the character and reputation of others; to arrest the victims of his displeasure; to hold them prisoners until his application could go three thousand miles, and a court be ordered and travel to the seat of war, and then, when that court is convened, and the party can inflict has been accomplished, and after a false imprisonment of ninety days, to allow a prosecutor quietly to withdraw from the prosecution, and thus defeat the investigation, and in the very act of withdrawal to endeavor to fix more deeply the injury and more indelibly the stain upon the character of the accused, is a proceeding to which it will be difficult to find a parallel in the history of any civil or military tribunal.

I cannot, in silence, submit to what I conceive to be such in-

tary tribunal.
I cannot, in silence, submit to what I conceive to be such in-I cannot, in silence, submit to what I conceive to be such injustice. I respectfully maintain that, while these charges are before the Court, (and they were placed there by the order of the President of the United States, and not by Gen. Scott,) that it is bound, in duty and in law, to proceed with the investigation; and I stand here and respectfully demand, as a legal right, that it do so. I cannot suffer my character to be thus blackened and traduced with impunity, and I beg of this Court to allow me an opportunity of vindicating my conduct against the imputations of the prosecutor.

While, therefore, I must submit to any decision of the Court, I deem it my duty to present this application, as the only hope left me of removing the imputations east upon me, not only in the charges themselves, but in the very paper in which Gen. Scott withdraws from the prosecution.

Respectfully submitted, GID. J. PILLOW, U.S.A.

Gen. Scott then stood up, and, with a few remarks, read

Gen. Scott then stood up, and, with a few remarks, read the following:

Mr. President and Gentlemen of the Court ;

required. As to this case, my attitude still is—defiance to my accuser.

If, then, Mr. President, I am to be held here a prisoner in the enemy's country, under all the hardships to which I have alluded, until a messenger can go to sad return from Washington, I am ready, so har as I am concerned, to take up, whenever the Court shall say so, the case of Major Gen. Pillow, notwithstanding the proliability that a ratified treaty of peace may early disband him, and cut off the investigation by the time perhaps the second charge shall have been entered upon. Of the witnesses that I should call, if there be time, to support the two charges, or their specifications, some eighteen are still, I believe, in this country. About twelve have returned to the United States. The names of these I shall be ready to hand to the Judge Advocate to-morrow, in order that they may be summoned, &c. unless the Court should foresee an early adjournment to the United States.

In respect to the absent witnesses, I desire to say that several were ordered home by the first train, (November 1,) before I had formed any intention of arresting the general officer in question; and, indeed, before I had become acquainted, except very partsally, with a small number of the matters him to his charge. By the subsequent trains—the secsond, (December 9,) and the third, (January 14,)—other witnesses were allowed to depart, because I thought it would be seessy, under Major Gen. Pillow's retual to take the depositions, by commission, of the few. Some other witnesses went down by the last train (March 6) under the directions of my successor in sommand.

WINFIELD SCOTT.

MEXICO, MARCH 20, 1848. CASE OF GENERAL PILLOW.

Upon the above being read, the President announced that the Court would go into the case of Gen. Pillow, and request ed that a list of witnesses on either side should be furnished.

CHANGE I, Violation of a General Regulation or stan

Charge I. Violation of a General Regulation or standing order for the Army.

Specification.—In this, that the said Major Gen. Pillow did, at Miscoac, or other place, near the capital of Mexico, on or about August 27, 1847, write and dispatch, or cause to be written and dispatched for publication, in some newspaper of the United States, a letter, article, or communication, purporting to give an account of certain military operations between the forces of the United States and those of the republic of Mexico, on the 19th and 20th of August, 1847, in and about Contreras and Churubusco, near the said capital, in which operations the said Pillow bore a part, and which letter, article, or communication, as was intended and designed by the said Pillow, was, in due time, under the signature of "Leonidas," partially printed and published in a New Orleans newspaper called the New Orleans Daily Delta, of the date of September 10, 1847, a copy of which is hereunto annexed, and reprinted entire both in The Bulletin and The Daily Picayune, of the — and 16th of the same month, other newspapers of the same city, copies of which are also hereunto annexed: all this pending the campaign between the said forces of which the said operations made a part.

Charge II.—Conduct unbecoming an officer and a gen-

CHARGE II .- Conduct unbecoming an officer and a gen-

Specification 1.—In this, that, in order to falsely mag Specification 1.—In this, that, in order to falsely magnify the generalship, valor, and prowess of the said Gen. Pillow in the public opinion of the United States, through the newspaper press of that country, and hastily to preoccupy that opinion at the expense of other commanders in the same fields of Contreras and Churubusco, as well as in utter disregard of truth and decency, the said letter, article, or communication, signed "Leonidus," written, dispatched, and published, as aforesaid, contains, among others, the following false statements and assertions: 1. That the action [meaning that of Contreras, commenced on the 19th of August, 1847,] had now become with the advancing forces very severe; and Gen. Pillow, seeing five or six thousand men advancing from the city to reinforce the enemy, whom he apprehended would fall upon Gen. Cadwalader's rear, detached from Gen. Pierce's brigade Col. Morgan's regiment, (which was yet within reach,) and ordered it instantly to the support of Gen. Cadwalader's: whereas it was Maj. Gen. Scott who, being then up, early in the afternoon, with the said Pillow, and seeing the said advancing reinforcement of the enemy, directed him, the said Pillow, to push forward the said Morgan and his regiment, then in reserve, to the support of the said Cadwalader.

2. That "late in the evening General Scott came upon the field and brought with him Gen. Shields's brigade of volunteers, whom he advanced to the support of the lorces under

unteers, whom he advanced to the support of the forces under Gen. Cadwalader, but it was so late they did not get into posi-tion until in the night;" whereas the said Scott did not bring with him Shields's brigade, but had, early in the afternoon, (not evening,) preceded that brigade, and had, long before its arrival, personally given the said order to the said Pillow to push forward the said Morgan and his regiment to the support of the said Cadwalader; and whereas, also, the said brigade

of the said Cadwalader; and whereas, also, the said brigade of Shields was not only up in time to bear a most important part in the general action of Contreras, early in the mosning of August 20, 1847, but to give strength and confidence to the position of the said Cadwalader and others, near Contreras, in the preceding night.

3. That "the next morning before daylight the brigade of Gen. Pierce advanced in execution of the original order of battle, renewed the assault in front," &c., designing it to be understood by those words, that this movement also was made by the direction of the said Pillow; whereas the movement in question was made by order of the said Scott, given through question was made by order of the said Scott, given through Capt. Lee, of the engineers, who had brought to the said Scott a suggestion to that effect from Brevet Brig. Gen. Smith, then the senior officer at the village or hamlet near Contrerss, the enemy's entrenched camp, and with the conception or ex-

4. That " having achieved this signal victory, Gen. Pillow immediately resolved to pursue the retreating forces of the enemy," evidently claiming and designing it to be understood by those words that the victory of Contreras, early in the morning, August 20, 1847, was achieved by or under command of the said Pillow: whereas the said Pillow had slept the night before at San Augustin, from four to six miles from mand of the said Pillow: whereas the said Pillow had slept the night before at San Augustin, from four to six miles from the American troops who achieved that victory, which had been decided and rendered perfectly complete long before the said Pillow had come up from San Augustin that morning, or had arrived within communicating distance of the said field of battle; and evidently claiming for the said Pillow, or designing it to be understood by the said words last quoted, that he (the said Pillow) commenced the said pursuit, or ordered the victorious American troops to commence the pursuit of the enemy from the camp of Contreras which had just been carried as above by the American forces: whereas that hot pursuit had been commenced by the said Brig. Gen. Smith, with all the American troops at hand, except a brigade or detachment temporarily left to guard the said camp, long before the said Pillow had come up with the head of the pursuit, a mile and a half or two miles from the said camp, or had been heard from that morning by the said Smith, and long after the said Smith had been personally joined in the said pursuit by his senior in rank, Brig. Gen. Twiggs.

5. That, "during this great battle, which lasted two days, [meaning the military operations of the 19th and 20th of August, 1847, including the battles of Contreras and Churubusco,] Gen. Pillow was in command of all the forces engaged, except Gen. Worth's division, and this was not engaged, except in taking the last work"—meaning the title due pont of Churubusco; whereas the said Pillow was not in the actual command of the troops who

command of the troops nor of any part of the troops who gained the said victory of Contreras, nor did he command more than one brigade of infantry (Cadwalader's) in the battie of Churubusco that followed on the same day, and the said battle of Churubusco being the only conflict in which the said Pillow participated or had any agency whatever on the

said day.
6. That "Gen. Scott gave but one order, [meaning dur-

He following:

Mr. President and Gentlemen of the Court:

I have heard unofficially, whether I shall be held to provide to subject t